

EXHIBIT 40

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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 ARIE GENDER and ORLY GENDER, in her :
 individual capacity and on behalf of :
 THE ORLY GENDER 1993 TRUST, : Index No. 651089/2010
 : (Jaffe, B. JSC)
 Plaintiffs, : Motion Sequence #42
 :
 -against- :
 :
 SAGI GENDER, TPR INVESTMENT :
 ASSOCIATES, INC., DALIA GENDER, THE :
 SAGI GENDER 1993 TRUST, ROCHELLE :
 FANG, individually and as trustee of THE SAGI :
 GENDER 1993 TRUST, GLENCLOVA :
 INVESTMENT COMPANY, TR INVESTORS, :
 LLC, NEW TR EQUITY I, LLC, NEW TR :
 EQUITY II, LLC, JULES TRUMP, EDDIE :
 TRUMP AND MARK HIRSCH, : Affidavit of Dalia Genger
 Defendants.

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 SAGI GENDER, individually and as assignee of :
 THE SAGI GENDER 1993 TRUST, and TPR :
 INVESTMENT ASSOCIATES, INC. :
 :
 Cross-Claimants, Counterclaimants, and :
 Third-Party Claimants, :
 :
 -against- :
 :
 ARIE GENDER, ORLY GENDER, :
 GLENCLOVA INVESTMENT COMPANY, :
 TR INVESTORS, LLC, NEW TR EQUITY I, LLC, :
 NEW TR EQUITY II, LLC, JULES TRUMP, :
 EDDIE TRUMP, MARK HIRSCH, :
 TRANS-RESOURCES, INC., WILLIAM :
 DOWD, and THE ORLY GENDER 1993 TRUST, :
 :
 Cross-Claim, Counterclaim and/or :
 Third-Party Defendants. :
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State of New York

Ss.

County of New York

DALIA GENDER, being duly sworn, deposes and says:

1. I, as the trustee of the Orly Genger 1993 Trust (the “Orly Trust”), am the moving party in this matter. I am fully familiar with the facts of this matter. I make this affidavit, based upon my personal knowledge, in further support of my motion for payment of the Trump Group Settlement money into Court.
2. One might ask, after all of the ill will and litigation in my family, why I would care whether the Trump Group Settlement money is paid to the Orly Trust via deposit into Court or, instead, to Orly either directly or indirectly?
3. Here is the reason: Because the money belongs to the Orly Trust and no one else.
4. As one court has recently found, Orly, by virtue of the Trump Group Settlement, “monetized her beneficial interest in the Orly Trust shares....” Thus, the settlement proceeds must be safeguarded for the Orly Trust.
5. However, as it stands now, neither the Orly Trust nor, I believe, even Orly herself, is the principal beneficiary of the Trump Group Settlement. Rather, the “AG Group” (three of whose members are not Orly) is getting the funds.
6. Like any good parents, when my ex-husband Arie and I originally established the Orly Trust, our goals was to improve our daughter’s, and also specifically our grandchildren’s (hopefully her kids’), lives. These funds should be used for what we intended – financing education, improving health, and generally helping Orly and our grandchildren build a better life. It is abhorrent that these funds, the product of a thirty-three year marriage, will instead be used to finance lawyers.
7. The money should not be frittered away. It was intended as a source of wealth for many years and for multiple generations. I ask the Court to help make that happen.

Wherefore, I respectfully request that the Trump Group Settlement be paid into Court.


Dalia Genger

Sworn to before me this
20th day of February, 2015


Notary Public

NOTARY PUBLIC
NOTARY PUBLIC, STATE OF NEW YORK
JENNIFER L. GENGHER
Queens County
Commission Expires April 27, 2017